

FOURTH DAY.

(Friday, January 16, 1925.)

The House met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Satterwhite.

The roll was called and the following members were present:

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| Acker. | Hull. |
| Albritton. | Irwin. |
| Alexander | Jasper. |
| of Limestone. | Johnson. |
| Amsler. | Jones. |
| Atkinson. | Jordan. |
| Baker of Orange. | Justice. |
| Baker of Panola. | Kayton. |
| Barker. | Kemble. |
| Barron. | Kenyon. |
| Bartlett. | King. |
| Bateman. | Kinnear. |
| Bean. | Kittrell. |
| Bedford. | Laird. |
| Bird. | Lane of Hamilton. |
| Blount. | Lane of Harrison. |
| Bobbitt. | Lipscomb. |
| Boggs. | Loftin. |
| Brown. | Low. |
| Bryant. | Mankin. |
| Cade. | Masterson. |
| Carter. | Maxwell. |
| Chitwood. | McBride. |
| Coffey. | McDonald. |
| Conway. | McDougald. |
| Coody. | McFarlane. |
| Covey. | McGill. |
| Cox of Lamar. | McNatt. |
| Cox of Navarro. | Merritt. |
| Cummings. | Montgomery. |
| Dale. | Moore. |
| Daniels. | Nicholson. |
| Davis of Dallas. | Parish. |
| Davis of Wood. | Pavlica. |
| DeBerry. | Pearce. |
| Dielmann. | Perdue. |
| Dinkle. | Petsch. |
| Donnell. | Poage. |
| Downs. | Pool. |
| Dunlap. | Pope. |
| Dunn of Falls. | Powell. |
| Dunn of Hopkins. | Purl. |
| Durham. | Rawlins. |
| Enderby. | Raymer. |
| Farrar. | Renfro. |
| Faulk. | Rice. |
| Fields. | Robinson. |
| Finlay. | Rogers. |
| Foster. | Rowland. |
| Frnka. | Runge. |
| Graves. | Sanford. |
| Gray. | Sheats. |
| Hagaman. | Simmons. |
| Hall. | Simpson. |
| Harman. | Sinks. |
| Harper. | Smith of Nueces. |
| High. | Smith of Travis. |
| Hollowell. | Smyth. |
| Hoskins. | Sparks. |

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| Stell. | Wade. |
| Stevens. | Walker. |
| Stevenson. | Wallace. |
| Storey. | Webb. |
| Stout. | Wells. |
| Strong. | Westbrook. |
| Taylor. | Wester. |
| Teer. | Williamson. |
| Thompson. | Wilson. |
| Tomme. | Woodruff. |
| Veatch. | Young. |

Absent.

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| Alexander | Houston. |
| of Bastrop. | Rowell. |
| Avis. | |

Absent—Excused.

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| Bonham. | McKean. |
| Florence. | Shearer. |
| Jacks. | Stautzenberger. |

A quorum was announced present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leave of absence on account of important business:

Mr. Bonham for today and tomorrow, on motion of Mr. High.

Mr. Jacks for today and tomorrow, on motion of Mr. Rawlins.

Mr. Stautzenberger for today and tomorrow, on motion of Mr. Walker.

Mr. Shearer and Mr. Florence for today and tomorrow, on motion of Mr. Teer.

Mr. McKean for today, on motion of Mr. Carter.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Cade and Mr. Hull:

H. B. No. 55, A bill to be entitled "An Act to amend Chapter 4, Title 7 of the Code of Criminal Procedure of the State of Texas, so as to provide for equitable action by way of bill of review in favor of persons against whom a final judgment on forfeited bail bond or forfeited recognizance has been entered where such persons have a meritorious cause of action and were prevented by fraud, accident or mistake from presenting meritorious defenses at the trial of the case in which such final judgment has been entered, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. McGill:

H. B. No. 56, A bill to be entitled "An Act to authorize the United States to file notice of lien for any tax on the property in this State of any person, in the office of the county clerk of any county of this State, and to provide for the indexing and recording of such notice, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Jacks, Mr. Irwin, Mr. Strong, Mr. Rawlins and Mr. Purl:

H. B. No. 57, A bill to be entitled "An Act creating an additional district court for Dallas county, defining its jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the duties of the district clerk with respect thereto, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Dale and Mr. Donnell:

H. B. No. 58, A bill to be entitled "An Act amending Chapter 75 of the General Laws of the Regular Session of the Thirty-eighth Legislature, relative to the registration of motor vehicles, tractors, trailers, semi-trailers and motorcycles; making proper disposition of funds derived from registration fees of such vehicles for road purposes; prescribing the amount that shall go to the county road and bridge fund and the amount that shall go to the State Highway fund, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Daniels:

H. B. No. 59, A bill to be entitled "An Act amending Section 1 of Chapter 167, Act of March 30, 1917, and being Article 342 of Title 13, Chapter 1, of the Revised Statutes of Texas, relating to the appointment of an assistant district attorney in certain districts, his qualifications, bond and oath of office, powers and duties, and his tenure of office."

Referred to Judiciary Committee.

By Mr. Rowland:

H. B. No. 60, A bill to be entitled "An Act to amend Article 3251, Chapter 4, of the Revised Statutes of Texas, providing the requisites for an application for the probate of a written will produced in court."

Referred to Judiciary Committee.

By Mr. Poage:

H. B. No. 61, A bill to be entitled

"An Act to require all dealers in explosives to keep and maintain a record of all sales of explosives, and to provide penalties for failure to do so."

Referred to Committee on State Affairs.

By Mr. Poage:

H. B. No. 62, A bill to be entitled "An Act to amend Article 2469 of Title 45, Revised Civil Statutes of the State of Texas, by providing that no husband or wife who feloniously takes or causes or procures another so to take the life of husband or wife of such person, shall inherit from such person or take by devise or legacy from such husband or wife so killed or murdered, any portion of his or her community estate, and in such case where husband or wife feloniously takes or causes or procures another to so take the life of their husband or wife, as the case may be, then all property belonging to the community estate of the husband or wife, whose life is so taken shall go to and vest in the descendants or heirs at law as otherwise provided in Title 45 of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee.

By Mr. Kinnear:

H. B. No. 63, A bill to be entitled "An Act authorizing the creation of a junior college district; providing for the election of trustees for said district, naming the term of office, providing how vacancies may be filled, the organization of said trustees and the election of officers; providing for the issuance of bonds for said district and authorizing the assessing and collecting of taxes, preparing budgets and providing for the payment of all accounts and expenses; authorizing the board of trustees to make rules and regulations governing courses of study, providing compensation for trustees, and removal from office and the selection of successors, defining the limits of such district and providing for two or more counties to form such a district and the election of trustees thereunder, repealing all laws and parts of laws in conflict with this measure and declaring an emergency."

Referred to Committee on Education.

By Mr. McGill:

H. B. No. 64, A bill to be entitled "An Act to amend Sections 1 and 1-A of Chapter 14, General Laws of the Third Called Session of the Thirty-eighth Legislature, so as to regulate the assessment of candidates for the payment of primary expenses and to provide that

no candidate's name shall be placed upon the ballot unless he shall have paid his share of such expense, and that no candidate shall be required to pay any sum other than as herein provided to have his name placed upon such ballot, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Hull:

H. B. No. 65, A bill to be entitled "An Act to repeal Chapter 52 of the General Laws of the State of Texas, passed at the First, Second and Third Called Sessions of the Thirty-eighth Legislature of the State of Texas, entitled 'An Act to regulate and supervise and prevent frauds in the sale, purchase and disposition in the State of Texas of stocks, stock certificates, bonds and debentures or other securities, and the transaction of business in this State of persons, joint stock companies, brokers, agents, copartnerships or other organizations, offering for sale or selling in this State such securities, including companies hereafter incorporated under the laws of the State of Texas, granting additional power and authority to the Secretary of State and placing the administration of this act under his control and supervision; defining what shall constitute violations of this act; specifying that this act shall be known and cited as the "Blue Sky Law of Texas," and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Irwin:

H. B. No. 66, A bill to be entitled "An Act to amend Article 151, Title 10, of the Revised Statutes of the State of Texas relating to the writ for the apprehension of persons who are lunatics or non compos mentis and their detention, prohibiting the incarceration of such persons in county jails in counties where city or county hospitals exist, providing that they shall be detained in such county or city hospitals, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Mankin:

H. B. No. 67, A bill to be entitled "An Act to prohibit any person masked or disguised from going into any public place in a manner calculated to disturb the inhabitants thereof or from disturbing any inhabitants thereof; or from going into or near or demanding entrance or admission into any private house or church or from disturbing any inhabi-

tant thereof; or from, in either a public or private place, permitting any assault upon any person; defining punishment for violation of this act, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Chitwood:

H. B. No. 68, A bill to be entitled "An Act to amend Chapter 26, Acts of the Regular Session of the Thirty-second Legislature, as amended in Chapter 36 of the Acts of the Thirty-fourth Legislature, Regular Session, providing for the election of a county board of trustees in each county of the State, prescribing the qualifications, term of office and method of election of county trustees, defining the duties and powers of the county board of trustees and of subordinate school officials employed by the said board in the administration of the public free school under their jurisdiction, repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Referred to Committee on Education.

By Mr. Pool (by request):

H. B. No. 69, A bill to be entitled "An Act to amend Section 6 of Chapter 79, General Laws of the Third Called Session of the Thirty-sixth Legislature, approved July 31, 1919, relating to the development of the mineral resources of the State, which chapter is: 'An Act to provide for the sale, development and patenting of mineral deposits, placers, veins, lodes or any rock carrying metallic or non-metallic substances of value excepting oil, natural gas, oil and lignite that may be in any of the land of the public free school fund, University fund, the several asylum funds, all State land belonging to or under the jurisdiction and control of the Prison Commission of this State, or the board of trustees for the State Institution for the Training of Juveniles and all other farms belonging to the State with the reservation of minerals therein or which may hereafter be sold with the reservation of minerals therein, and all of said lands that were purchased with a relinquishment of the minerals therein, and all lands of which the mineral rights therein have or shall have reverted to the State of Texas and said mineral substances that may be in any islands and river beds and channels which belong to the State, repealing all laws in conflict with this act, and declaring an emergency'; which said Section 6 provides among other things in the form of a shaft or tunnel or an open

cut to the extent of 10 feet in depth or length and at least four feet by five feet for the other dimensions for each claim, by adding to said amended section the provision that where a body of mineral is discovered of a complex nature requiring extensive laboratory tests to produce a commercial product such laboratory tests diligently pursued shall take the place of and shall be a compliance with said annual assessment work, and providing for the minimum annual expenditures required for such laboratory tests per claim, and validating claims on which such laboratory work has been done during the calendar year, 1924, and proof thereof made, and declaring an emergency."

Referred to Committee on Oil, Gas and Mining.

By Mr. Kinnear:

H. B. No. 70, A bill to be entitled "An Act to amend Article 695a of the Penal Code of the State of Texas, relating to the pollution of watercourses and other bodies of water, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Dunn of Falls:

H. B. No. 71, A bill to be entitled "An Act defining water works operators; providing for the issuance of certificates to them and for the revocation of same for good cause shown; fixing the fees to be collected on said certificates; creating a State Board of Water Works Examiners, defining their qualifications, providing for their appointment, and fixing their powers, duties and compensation; making it a misdemeanor to practice as a water works operator without certificate; fixing a penalty therefor, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Simpson:

H. B. No. 72, A bill to be entitled "An Act to amend Section 1 of Chapter 82, passed by the Regular Session of the Thirty-second Legislature, amending Section 1 of Chapter 139, passed by the Regular Session of the Thirtieth Legislature, relating to the selection of juries by a jury wheel in counties with cities of certain population, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Merritt:

H. B. No. 73, A bill to be entitled "An Act placing a closed season of two

years on Mexican blue quail, partridge, quail, bob white and wild pheasant in certain counties; providing a penalty for the violation of same; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Boggs:

H. B. No. 74, A bill to be entitled "An Act to create the Big Lake Independent School District, Reagan county, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon the independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present school in said district shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Dale and Mr. Donnell:

H. B. No. 75, A bill to be entitled "An Act amending Chapter 5 of the General Laws of the Third Called Session of the Thirty-eighth Legislature relative to occupation taxes on sales of gasoline so as to increase the amount of said occupation tax now existing, and declaring an emergency."

Referred on Committee on Revenue and Taxation.

By Mr. Finlay, Mr. Storey, Mr. Sanford, Mr. Merritt and Mr. Shearer:

H. B. No. 76, A bill to be entitled "An Act to regulate the taking of certain fur-bearing animals or their pelts for barter or sale, declaring them to be the property of the people of the State; defining trapper; prescribing resident, non-resident and alien trapper's licenses; defining fur dealer; prescribing fur dealer's license; defining resident, non-resident and alien; providing form of trapper's and dealer's licenses, their distribution; providing for certain exemptions; defining tenant; regulating the season; providing for disposition of funds; prescribing penalty for violations; providing for enforcement, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Cade:

H. B. No. 77, A bill to be entitled "An Act placing a closed season of three years on wild turkey in the counties of

Bexar, Comal and Guadalupe; providing a penalty for the violation of same; repealing all laws in conflict herewith."

Referred to Committee on Game and Fisheries.

By Mr. Webb:

H. B. No. 78, A bill to be entitled "An Act to amend Chapter 15, pages 30 and 31 of the laws passed at the Regular Session of the Thirty-seventh Legislature, 1921, by changing the time and terms of holding court in the Eighty-third Judicial District, so that Section 1 of said act, as it relates to said Eighty-third Judicial District, shall hereafter read as follows, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Acker:

H. B. No. 79, A bill to be entitled "An Act amending Article 5693, Chapter 2, Title 87, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123 of the General Laws of Texas passed at the Regular Session of the Thirty-third Legislature, relating to notes secured by certain deeds of trust, or mortgages on land, and when the same shall be barred by limitation, and providing that powers of sale under deeds of trust or mortgages shall not be executed after the notes secured thereby are barred by limitation, and amending Article 5695, Chapter 2, Title 87, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, General Laws of Texas, passed at the Regular Session of the Thirty-third Legislature and as amended by Chapter 27, General Laws of Texas, passed at the First Called Session of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages, or vendor's liens on real estate, and providing that thereafter said articles shall read as herein, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. McFarlane, Mr. McNatt and Mr. Williamson:

H. B. No. 80, A bill to be entitled "An Act to amend paragraph No. 4 of Article 1422, Title 17, Chapter 18, of the Penal Code of Texas, 1911, relating to swindling, making certain facts prima facie evidence, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Durham:

H. B. No. 81, A bill to be entitled "An Act amending Article 7692 so as

to provide for graduated penalties for delay in payment of taxes, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Loftin:

H. B. No. 82, A bill to be entitled "An Act to repeal Article 7160, Chapter 2, Title 124, of the Revised Civil Statutes of Texas of 1911, as amended by Chapter 69, General Laws of the Regular Session of the Thirty-third Legislature, approved March 31, 1913, which article provides that an unrecorded brand on animal shall not be evidence of ownership thereof, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Cox of Lamar:

H. B. No. 83, A bill to be entitled "An Act to amend Article 865b of Texas Code of Criminal Procedure, provided the Article 865b, Code of Criminal Procedure, entitled 'Suspended Sentence' be and the same is hereby amended, so as to hereafter read as follows, to-wit: That when there is a conviction of any felony in any district court of this State, except murder, perjury, burglary of a private residence, robbery, arson, incest, bigamy and abortion, the unlawful sale, manufacture or transportation of spirituous, vinous or malt liquors or any other intoxicating liquors or beverages as prohibited by law, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Kinnear:

H. B. No. 84, A bill to be entitled "An Act amending Article 636 of the Penal Code of the State of Texas, and providing that all male and female persons who habitually associate with prostitutes or habitually loiter in or around houses of prostitution or receive financial aid from prostitutes, shall be punished as vagrants, and defining the terms 'prostitute' and 'common prostitute'; and adding to Chapter 9, Title 11 of the Penal Code of the State of Texas, the Article 636a, and providing therein the evidence which may be admissible in vagrancy trials and the effect of such evidence, and repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Daniels:

H. B. No. 85, A bill to be entitled

"An Act providing for the appointment of assistant district attorneys and a special investigator in any judicial district consisting of more than one county, in any county in such district having a population in excess of 70,000, and providing for their salaries and the manner of their payment, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Cade and Mr. Hull:

H. B. No. 86, A bill to be entitled "An Act creating the Sayers Independent School District; describing the boundaries thereof; providing a board of trustees for its government; granting supervising exemptions for it; investing it with power to make oil leases; applying general laws to it; retaining its liabilities, assets and tax rate, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Durham:

H. B. No. 87, A bill to be entitled "An Act regulating and providing for a better election and primary election system in this State; providing for a preferential or first and second choice ballot in primaries; making provision for necessary details of poll tax payments, voting and requirements incidental to suffrage and elections, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Coffey and Mr. Lipscomb:

H. B. No. 88, A bill to be entitled "An Act making an appropriation for the purchase of certain lands for the College of Industrial Arts at Denton, Texas, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Acker:

H. B. No. 89, A bill to be entitled "An Act amending Article 3609, Chapter 29, Title 52, Revised Civil Statutes of Texas, 1911, relating to the management, control and disposition of community property by the wife of a deceased or insane husband, and repealing Article 3611, Chapter 29, Title 52, Revised Civil Statutes of Texas, 1911."

Referred to Judiciary Committee.

By Mr. Acker:

H. B. No. 90, A bill to be entitled "An Act amending Article 5655 and Article 5658, Chapter 7, Title 86, Revised Civil Statutes of Texas, 1911, regarding instruments intended to operate as liens on personal property, and providing for

the filing and registration thereof, and the effect of such instruments when not filed for registration, by adding thereto a provision in reference to the filing and registration of transfers of chattel mortgages, deeds of trust and other evidences of lien upon personal property."

Referred to Judiciary Committee.

By Mr. Nicholson:

H. B. No. 91, A bill to be entitled "An Act to provide for the creation of a commission on uniform State laws, the appointment of commissioners thereto, and the payment of the expenses of such commissioners and contribution to the support of the National Conference of Commissioners on Uniform State Laws, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Acker:

H. B. No. 92, A bill to be entitled "An Act providing a method of validating titles to lands conveyed by guardians under the provisions of Chapters 11 and 12, Title 64, Revised Civil Statutes of Texas, 1911, as amended by Chapter 151, General Laws passed at the Regular Session of the Thirty-third Legislature of Texas, approved April 7, 1913, where county court failed to require the bond provided for by the fourth paragraph of Article 4162 and Article 4177 as amended."

Referred to Judiciary Committee.

TO PROVIDE FOR BLOCK PICTURE.

Mr. Strong offered the following resolution:

Resolved, That the Speaker appoint a committee of five to select to the advantage of this House a photographer to make, frame and hang the picture of the Thirty-ninth Legislature.

The resolution was read second time and was adopted.

INVITING SENATE TO MEMORIAL EXERCISES.

Mr. Kittrell offered the following resolution:

Resolved, That the Senate of Texas be and is hereby invited to attend the memorial exercises in honor of the anniversary of the birth of Robert E. Lee, which are to be held in the Hall of the House on Monday, January 19, at 8 o'clock, and that the Clerk be and is hereby directed to transmit this resolution to the Senate herewith.

Signed—Kittrell, Poage, Lane of Hamilton, Hoskins, Brown.

The resolution was read second time and was adopted.

REPORT OF THE BOARD OF MANAGERS OF THE STATE RAILROAD.

The Speaker laid before the House for consideration at this time the following report:

Texas State Railroad.

Houston, Texas, January 14, 1925.

Honorable Lee Satterwhite, Speaker of the House of Representatives, Austin, Texas.

My Dear Lee: I hand you herewith report of the Board of Managers of the State Railroad, and ask that you have it read and printed in the Journal, so that it may be available for inspection by all who may be interested.

I may be in Austin Thursday, and will look you up while there.

With best regards, I am,

Sincerely,
LYNCH DAVIDSON.

Board of Managers, Texas State Railroad.

Houston, Texas, January 14, 1925.

Honorable Pat M. Neff, Governor of Texas, Austin, Texas.

Dear Sir: As provided in Senate Bill No. 267, approved March 12, 1921, and amended by Senate Bill No. 69, approved January 18, 1923, we submit herewith the semi-annual report of the Board of Managers of the Texas State Railroad, for the period from July 1, 1924, when the last report was made, to and including December 31, 1924.

Itemized statements covering all deposits of funds in the State treasury, and all warrants drawn upon the treasury and disbursements made during the period for which this report is made, have been certified by the Comptroller of the State, and are attached hereto as a part of this report, marked Exhibit "A."

Semi-annual reports have been made to the Governor, as required by the act creating the Board of Managers. Attached to such semi-annual reports have been copies of the income and disbursement accounts of the board, certified by the Comptroller; and there have also been attached to such reports made to the Governor by the board, statements certified by the Comptroller of the State showing the amounts of money on hand at the dates such reports were made.

We deem it proper, in making this report, briefly to review the State Railroad's history and its administration by the Board of Managers.

The board came into actual possession of the road under Senate Bill No. 267, on April 22, 1921. The road's physical condition at that time is fully described in the board's report of March 9, 1922. It is sufficient to say here, therefore, that the road and its equipment and rolling stock, with the exception of one locomotive, was in a state of dilapidation. It was in such a state of bad repair that trains could not be run over the line with safety, and its operations were being conducted at a monthly deficit of from \$5000 to \$8000.

It had no passenger equipment of any kind that could be operated, and was leasing one coach from the Southern Pacific Lines with which to conduct its passenger business. All the passenger coaches belonging to the State Railroad, and transferred to the board's possession along with the railroad, are still on hand on a sidetrack at Rusk, Texas. Attached to this report is a photograph of each of said passenger coaches in their present condition, which also reflects their condition at the time they were delivered to the Board of Managers.

While some of the State Railroad's box and flat cars were usable for local traffic on the line, and for the transporting of company materials, they were not in condition to interchange with connecting lines, and no connecting lines would haul them. They were disposed of, therefore, in the manner described in our report of January 9, 1923.

The railroad owned two locomotives. One was practically useless, and still is on hand at Palestine, Texas, as shown by photographs of same attached hereto. The other was in good condition, and was sold by the Board of Managers, as fully set forth in our report of January 9, 1923.

The road has been relaid with new 80-pound steel, obtained from the Federal government. The freight charges on said new rail, cost of installation, and purchase price of fittings with which to install the rail, are set out in sundry

reports heretofore made to the Governor, the Comptroller, and the Legislature of Texas.

The second-hand and old steel with which the road was laid when delivered to the Board of Managers was sold, as set out in report of January 9, 1923, detailing amounts received for same, and to whom sold.

One track mile of the old rail was retained by the Board of Managers for future needs in the construction of sidetracks, spurs and switches.

The act creating the Board of Managers gave them the use of fifty convicts for one year from March 12, 1921. The delay in obtaining their services, and the failure to secure the full number of convicts, together with the expense of providing quarters, etc., as set out in our report of March 9, 1922, resulted in loss instead of gain to the board. In fact, very little substantial work was done with the convicts, and the board rebuilt the road, as set out in our report of January 9, 1923, by awarding contracts to railroad builders and contractors, paying such contracts out of its own funds.

From claims filed against the Federal government, under the Transportation Act, 1920, the board, through vigorous efforts, succeeded in collecting sums aggregating \$14,953.80, less expense of preparing and collecting claims, \$4356, leaving a net recovery of \$10,597.80, which was duly transmitted to the State treasury. Further claim approximating \$30,000 was filed with the Interstate Commerce Commission, but has been declined, and while the board still is pressing this claim, any further recovery is considered improbable.

In the recent political campaign many misstatements were made about the State Railroad, in order to further and advance the political interests of candidates. Among them was a charge that the State does not own the new 80-pound steel upon its roadbed. Under the Federal Act allocating and awarding surplus war materials to the various States, the title to this rail is clearly in the State of Texas.

That this question may be quieted definitely, the Board of Managers secured from the Bureau of Good Roads, Agricultural Department of the United States, its ruling with respect to the title of said rail. The Federal department rules the rail to be "State property." We quote from its ruling as below:

"Under the situation as it exists, it does not appear to me that the question of jurisdiction of this steel rail is material as between different State agencies, since the property is in the possession of the State, and is State property."

This ruling and declaration is contained in a letter of December 16, 1924, by Thos. H. MacDonald, Chief of Bureau of Public Roads, United States Department of Agriculture, addressed to Lynch Davidson, Chairman of the Board of Managers, and R. M. Hubbard, Chairman of the Texas Highway Department; certified copy of which is attached hereto and made a part of this report, marked Exhibit "B."

In this same ruling the Federal government makes the further declaration: .

"If, for better administration, it should be necessary for the State Highway Department to transfer this material to the jurisdiction of the Board of Managers of the Texas State Railroad, this would seem to me to contravene no Federal law, since the property does not pass from the State."

The Federal government, by the above quoted ruling, definitely vests title to the rail in the State of Texas, through the Texas Highway Department. By the Federal government ruling, it will contravene no Federal law to divest the Texas Highway Department of title to the rail, and vest the same in the Texas State Railroad.

The Board of Managers recommends that legislation be enacted transferring title to the rail from the Texas Highway Department to the Texas State Railroad.

The ruling of December 16, 1924, attached hereto and marked Exhibit "B," further declares:

"The records here show that the transfer of this rail was made to the State under the provisions of the Kahn act, which provided for the payment of 20 per cent of the estimated value of the property against which the freight charges paid by the shipper might be set off. This act was preceded and succeeded by other acts providing for the free distribution of war surplus to the States through the State highway departments. The value of the rail as fixed at the time of the transfer was \$35 per ton."

In divesting the Texas Highway Department of, and vesting the State Rail-

road with, title to the rail by legislation, due observance should be given to the Federal ruling on the question of the disposition of the road as a whole, should this be at issue. We interpret this ruling to mean that the road funds of the State of Texas, through its highway department, should receive the benefit of the proceeds of the sale equal to the fair value of the rail as first laid. The ruling draws attention to the provisions of the Kahn act, and fixes the value of the rail at the time of transfer, at \$35 per ton. It provides for payment of 20 per cent of the estimated value of the property, from which may be deducted the freight charges paid by the buyer as a set-off.

Whether title to the rail is in the highway department of the State of Texas, or the Texas State Railroad is not consequential, for both departments in truth are the State of Texas. But politicians have excited the public mind with the question, and in the event of prospective sale of the road, such propaganda might superinduce the same question in the minds of over-technical buyers. Deeming it highly important that no opportunity be lost to sell the road when a favorable price can be obtained, the board submits these suggestions and recommends their execution.

It was only after six months' vigorous work on the State Railroad by the Board of Managers, including the securing of the new rail and insuring its installation, that the board succeeded in placing it in condition acceptable to the Southern Pacific under lease. The operating lease was ratified by the Legislature August 25, 1921, became effective November 5, 1921, and will expire November 5, 1926.

On December 30, 1924, a complete inspection of the property was made by the Board of Managers, composed of Lynch Davidson, chairman; J. A. Glen and E. C. Durham, members, accompanied by L. H. Cecil, assistant vice president and general manager of the Southern Pacific Lines; H. M. Lull, chief engineer of the Southern Pacific Lines; H. J. Micksch, superintendent of the Beaumont division of the Texas & New Orleans Railroad, and Thomas Scott, superintendent of the Jacksonville division of the Texas & New Orleans Railroad. This inspection was for the purpose of ascertaining the condition of the property in order that this report might be formulated and presented to the Governor and Legislature in accordance with the act creating the Board of Managers.

The board is unanimous in its conclusion that the Southern Pacific Lines, in the matter of the continued physical betterment of the property, the effort to upbuild its traffic, and the custodianship of the property's general welfare under the terms of the contract, have abundantly surpassed the board's expectations.

It is with gratification that the board unanimously agrees in the observation in its report to Your Excellency and the Legislature of Texas, that Mr. W. R. Scott, president of the Southern Pacific Lines; G. S. Waid, vice president and general manager of the Southern Pacific Lines; C. K. Dunlap, general traffic manager of the Southern Pacific Lines, and the other officials of the system named above, have co-operated together both with reference to the upbuilding of the physical condition of the property, the improvement of its traffic, and its general welfare, in a highly commendable manner. The Board of Managers hereby voice a vote of confidence in the operation and maintenance of the road by the Southern Pacific under the terms of the contract.

With its 33 miles of track, the State Railroad forms such an infinitesimal factor in the affairs of the enormously large Southern Pacific system, it was gratifying to the board to find all of the officers of the Southern Pacific taking a personal interest in the State Railroad, and familiar with its minutest details. The trainmen operating over the road, and the station agents and employees all seem to take a personal and patriotic interest in the success of the enterprise.

The interest in the Southern Pacific has been not only one of sentiment, but likewise one of substance. As will be shown by the operating report of the Southern Pacific reflecting its operations over the State Railroad from November 5, 1921, to and including November 30, 1924, attached hereto, marked Exhibit "C," the Southern Pacific Lines have invested \$204,332.89 more in the State Railroad than they have taken out in revenue.

The State's operating contract with the Southern Pacific Lines provides that it shall receive 50 per cent of all net earnings. It is to be seen from the operating report of the Southern Pacific, attached hereto, that the gross earnings of the road have been invested, to a major extent, in the upbuilding of the road, and the balance in its operating expenses.

During the period from November 5, 1921, to November 30, 1924, the Southern Pacific, as per Exhibit "C" attached, reports:

| | | |
|---|--------------|--------------|
| Operating income | \$185,427.26 | |
| Property rentals | 30.00 | |
| Total income..... | | \$185,457.26 |
| Operating Expenses. | | |
| Transportation .. | \$154,470.15 | |
| Equipment rentals | 11,362.37 | |
| General expense | 116.72 | \$165,949.24 |
| Net railway operating income..... | | \$ 19,508.02 |
| To Betterments. | | |
| Maintenance of way and structures..... | \$172,839.96 | |
| Maintenance of equipment..... | 51,000.95 | \$223,840.91 |
| Expended by Southern Pacific for rehabilitating and operating, in excess of income..... | | \$204,332.89 |

The sum of \$172,839.96 has been invested in the actual upbuilding of the road. Instead of describing it as "Maintenance of Way and Structures," it should be described as "Restoration and Rehabilitation of the Line," as the State has got the full benefit in road betterment of all of that sum expended.

The item of \$51,000.95 that has been invested in equipment upkeep would have gone likewise to the State's benefit if it had owned the equipment. So that \$223,840.91 of this money is in the true sense investment in upbuilding of the State's property. It represents a loss, it is true, to the Southern Pacific Lines, but a gain to the State Railroad, except in the item of Maintenance of Equipment. If, therefore, the items of Maintenance of Way and Structures and Maintenance of Equipment are considered in their true light—of investment in property—it is to be seen immediately that the cost of operation and transportation in truth was \$165,949.24.

Therefore, if the road had not been under-maintained during the years before the Board of Managers took it over, its \$185,457.26 of gross income, less its operation and transportation expenses of \$165,949.24, as shown by the operating statement, would have left the road with a clear-cut income of \$19,508.02. While the road was put in operating condition by the Board of Managers before the Southern Pacific would operate it, the long neglect of its roadbed and line made necessary constant and continuous rehabilitation, restoration and upbuilding by the Southern Pacific Lines, after they took the road over. Such improvement of the road's property absorbed its net income of \$19,508.02, and caused the Southern Pacific Lines to invest \$204,332.89 additional in the property. The Southern Pacific's loss, but the State's gain, except as to the item of \$165,949.24 for operation and transportation.

The Board of Managers acquired a number of city lots adjoining the land on which the passenger station is located at Palestine, Texas. This property was acquired to provide additional terminal facilities needed to care for the road's increasing business. These purchases are fully set out in the board's report of July 16, 1923.

The board begs leave to report that the Southern Pacific has cleared off these additional lands, and has graveled the yards, remodeled the station platforms, and in every way put the Palestine station and yards in first-class condition.

The steel rails have been properly tied and cared for, and are in first-class condition. The drainage of the road is good, but the Southern Pacific is planning immediately to more adequately drain the property from one end of the line to the other.

The bridges are in good condition. The terminals at Rusk have been improved and put in better condition. The Maydelle station has been improved. All station and road signs are painted and maintained in accordance with the Southern Pacific standards. All cattle guards and wing fences are well maintained, painted and numbered. There are but comparatively few bad ties, and

the insertion of new ties is going forward constantly. Train service is adequate and satisfactory to the patrons.

The Legislature appropriated \$25,000 for the rebuilding of the State Railroad by the Board of Managers. There have been no subsequent legislative appropriations made to the road. The Board of Managers now has on hand in cash to its credit with the Comptroller, the sum of \$34,086.60, as evidenced by Comptroller's certificate attached. In March, 1925, the road will have been in possession of the Board of Managers, under the act of March 12, 1921, four years. It is to be seen, therefore, that after practically four years of operation the board has on hand \$9,086.60 more money than was appropriated originally for its use in restoring the road.

In addition, it is estimated that approximately \$300,000 has been saved to the State during the four years of the board's administration, through stoppage of the annual operating losses, which, by the road's record, were annually growing greater. Assuming the road's operating losses to have continued no greater than in preceding years, the measure of the saving by the operating lease with the Southern Pacific Lines by the time it expires, will be \$400,000 in operating losses on the road.

Even much greater saving to the State has been made in the upbuilding and betterment of the road's physical condition. Reference is made to the House and Senate Journals when on several occasions the road was offered for sale at any amount the buyer would pay for it, if such buyer would agree to operate the railroad. Governor Neff, in a message to the Legislature February 21, 1921, in part said:

"Every time a wheel has turned since the construction of this road, thirteen years ago, it has thrown the State deeper into debt. . . . It seems to me that it has been demonstrated beyond a doubt that this railroad never has been, is not now, and never will be capable of sustaining itself. This annual drain of money on the public treasury should be no longer permitted. To do so, would be unbusiness-like and unjust to the tax-paying citizens of this State."

From this it is to be seen that the railroad was on the point of being junked when legislated into the hands of the Board of Managers for administration. With the new terminal facilities acquired at Palestine, the new 80-pound rail with which the road is relaid, improved station facilities at all points, and the first-class condition of the road and its terminals throughout, the Board of Managers is of the opinion that the road is now worth \$1,000,000, or more.

In which event, it therefore is to be seen that the Board of Managers has saved to the State of Texas, as set out above, \$400,000 in operating losses, and has made a clear gain of \$1,000,000 in the value of the property saved from being abandoned or junked, as had been recommended before it was legislated into the hands of the Board of Managers.

For the month of November, 1924, over and above all costs of restoration and rehabilitation and operating expenses, the railroad showed a net clear profit.

The Board of Managers is unanimously of the opinion that the State of Texas should not operate a railroad of any kind, nor should it operate the Texas State Railroad. The board unqualifiedly and unanimously, therefore, recommends the sale of the State Railroad at the first advantageous opportunity. The board will continue to make every possible effort to sell it, as it is expressly authorized by the act of the Legislature to do. The constantly improving physical condition of the road is correspondingly bettering the opportunity of its sale.

Politicians in the recent political campaign charged that through its chairman, Lynch Davidson, the Board of Managers had sold off the State Railroad's assets and left nothing but the right of way and roadbed; in other words, had utterly destroyed the railroad. There are many people in Texas, perhaps, who believe these false and malicious statements. The board, therefore, feels that it is entitled to verification of the reports made herein and heretofore concerning the road's condition.

The board requests, therefore, that such joint committee from the House and the Senate, as in the wisdom of the two honorable bodies be deemed necessary, inspect the railroad for the purpose of checking up the report here and reports heretofore made concerning its physical condition and the facts as stated.

The board further respectfully requests that when such committee has made its inspection of the property, if it finds this report correct, that same be affirmed

and confirmed. If it finds this report and reports heretofore made in any respect untrue or incorrect, that it by resolution or by any other such means as it may deem proper, point out such incorrect or inaccurate statements as it may find in such report or reports.

The board requests that this, its report to Your Excellency and the Legislature of its custodianship of the Texas State Railroad, be printed in the Journals of both houses, so that the same may be available to the people of Texas and to succeeding administrations.

The Board of Managers, as provided by law, submits this report to Your Excellency and to the Legislature of Texas, showing the manner in which the board has performed its duties under the laws in caring for the State's property, viz., the Texas State Railroad, thirty-two and a fraction miles in length, operated from Rusk to Palestine.

Respectfully,

BOARD OF MANAGERS, TEXAS STATE RAILROAD.

By LYNCH DAVIDSON, Chairman.

J. A. GLEN, Member.

E. C. DURHAM, Member.

Attest:

EDW. KILMAN, Secretary.

EXHIBIT "A."

Statement of Board of Managers, Texas State Railroad, in Account With Appropriation C-3524.

1924:

June 30, balance in Treasury.....\$34,937.35

Deposits—None.

Warrants approved:

July 15, Edw. Kilman, secretary, salary month of June.....\$ 75.00

Aug. 5, Edw. Kilman, secretary, salary month of July..... 75.00

Sept. 5, Edw. Kilman, secretary, salary month of August..... 175.00

Oct. 21, Edw. Kilman, secretary, salary month of September... 175.00

Nov. 5, Edw. Kilman, secretary, salary month of October.... 175.00

Nov. 5, Western Union Telegraph company......75

Dec. 10, Edw. Kilman, secretary, salary month of November... 175.00

Total warrants issued.....\$ 850.75

Dec. 31, balance in Treasury.....\$34,086.60

Statement of Board of Managers, Texas State Railroad, in Account With The State National Bank of Houston.

1924:

June 30, balance on account.....\$ 147.68

Deposits—None.

Checks—None.

Dec. 31, balance in bank\$ 147.68

Dec. 31, total amount to credit of Texas State Railroad.....\$34,234.28

BOARD OF MANAGERS, TEXAS STATE RAILROAD.

By (Signed) EDW. KILMAN, Secretary.

I certify that the above Treasury balance of \$34,086.60 is correct as of December 31, 1924, on Appropriation C-3524.

(Signed) LON A. SMITH, Comptroller.

EXHIBIT "B."

United States Department of Agriculture, Bureau of Public Roads,
Washington, D. C.

December 16, 1924.

Mr. R. M. Hubbard, Chairman, State Highway Commission; Mr. Lynch Davidson, Chairman, Board of Managers, Texas State Railroad, Houston, Texas.

Gentlemen: In 1921 the State Highway Department of Texas requested steel rail for relaying a railroad owned by the State of Texas running from Rusk, Texas, to Palestine, Texas. The value of this rail was charged to the State against the State's allotment in the same manner as was the value of all surplus war materials shipped to the States. This rail was put into service by the

State, and the line used for transporting road material, deposits of which exist in large quantities in the vicinity of Rusk, as well as for other general purposes.

Under the situation as it exists, it does not appear to me that the question of jurisdiction of this steel rail is material as between different State agencies, since the property is in the possession of the State and is State property. The records clearly indicate that the State Highway Department and the Board of Managers of the Texas State Railroad worked together to rehabilitate this railroad for the purposes herein set forth. If, for better administration, it should be necessary for the State Highway Department to transfer this material to the jurisdiction of the Board of Managers of the Texas State Railroad, this would seem to me to contravene no Federal law, since the property does not pass from the State. Should the question of the disposal of the railroad as a whole be at issue, and the road actually disposed of, the intent of the opinion of the Attorney General dated June 23, 1923, copies of which have been forwarded to your State, would seem to be satisfied by crediting to the road funds of the State an amount from the proceeds of the sale equal to the fair value of this rail as first laid.

The records here show that the transfer of this rail was made to the State under the provisions of the Kahn act, which provided for the payment of 20 per cent of the estimated value of the property against which the freight charges paid by the shipper might be set off. This act was preceded and succeeded by other acts providing for the free distribution of war surplus to the States through the State highway departments. The value of the rail as fixed at the time of the transfer was \$35 per ton.

This letter is written at the request of Mr. Lynch Davidson, who is Chairman of the Board of Managers, to state the viewpoint of this bureau with reference to the status of this particular property.

Yours very truly,
(Signed) THOS. H. MacDONALD,
Chief of Bureau.

I certify that the above is a true and correct copy of a letter written by Thos. H. MacDonald, Chief of Bureau of Public Roads, United States Department of Agriculture, to Mr. Lynch Davidson, Chairman, Board of Managers, Texas State Railroad, Houston, Texas, dated December 16, 1924.

(Signed) EDW. KILMAN.

Subscribed and sworn to before me this the 2nd day of January, A. D. 1925.

(Seal.) (Signed) ROSE SMITH,
Notary Public, Harris County, Texas.

EXHIBIT "C."

Texas State Railroad (Texas & New Orleans Railroad Company, Lessee).
Report of Operations, Period of November 5, 1921, to November 30, 1924.

Income.

| | | |
|---------------------------------------|--------------|--------------|
| Railway operating revenues | \$185,427.26 | |
| Property rentals | 30.00 | |
| | | <hr/> |
| Total railway operating revenues..... | | \$185,457.26 |

Expenditures.

| | | |
|---|--------------|---------------------------|
| Operating expenses: | | |
| Transportation | \$154,470.15 | |
| Equipment rentals | 11,362.37 | |
| General expense | 116.72 | |
| | | <hr/> |
| Total operating expenses..... | | \$165,949.24 |
| Restoration and rehabilitation: | | |
| Maintenance of way and structures..... | \$172,839.96 | |
| Maintenance of equipment..... | 51,000.95 | |
| | | <hr/> |
| Total restoration and rehabilitation... | | \$223,840.91—\$389,790.15 |
| Expended by Southern Pacific for rehabili- tating and operating, in excess of income.. | | \$204,332.89 |

TO COUNT VOTES FOR GOVERNOR
AND LIEUTENANT GOVERNOR.

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 2, Providing for a committee to count votes for Governor and Lieutenant Governor.

The resolution was read second time, and was adopted.

ADOPTING JOINT RULES.

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 1, In reference to adopting Joint Rules.

The resolution was read second time, and was adopted.

PROVIDING FOR EXPERT PROOF-
READER.

The Speaker laid before the House, as unfinished business, for consideration at this time a resolution offered on yesterday by Mr. Chitwood to provide for Expert Proofreader for the House, with motion by Mr. Maxwell to table the resolution pending.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—53.

| | |
|------------------|-------------------|
| Acker. | Irwin. |
| Albritton. | Jordan. |
| Alexander | Justice. |
| of Bastrop. | Kinnear. |
| Alexander | Lane of Hamilton. |
| of Limestone. | Lipscomb. |
| Atkinson. | Mankin. |
| Barker. | McDougald. |
| Barron. | McNatt. |
| Bartlett. | Moore. |
| Bean. | Nicholson. |
| Bird. | Pavlica. |
| Coody. | Pearce. |
| Cox of Lamar. | Perdue. |
| Davis of Dallas. | Powell. |
| Davis of Wood. | Rawlins. |
| Dunn of Hopkins. | Robinson. |
| Farrar. | Rowland. |
| Fields. | Sheats. |
| Frnka. | Smith of Travis. |
| Graves. | Sparks. |
| Gray. | Stout. |
| Hagaman. | Thompson. |
| Harman. | Veatch. |
| Harper. | Webb. |
| High. | Wells. |
| Hollowell. | Westbrook. |
| Hull. | |

Nays—81.

| | |
|------------------|-------------------|
| Amsler. | Laird. |
| Baker of Orange. | Lane of Harrison. |
| Baker of Panola. | Loftin. |
| Bateman. | Low. |
| Bedford. | Masterson. |
| Blount. | McFarlane. |
| Bobbitt. | McGill. |
| Boggs. | Merritt. |
| Brown. | Montgomery. |
| Bryant. | Parish. |
| Cade. | Petsch. |
| Carter. | Poage. |
| Chitwood. | Pool. |
| Coffey. | Pope. |
| Conway. | Purl. |
| Covey. | Raymer. |
| Cox of Navarro. | Renfro. |
| Dale. | Rice. |
| Daniels. | Rogers. |
| DeBerry. | Runge. |
| Dielmann. | Sanford. |
| Dinkle. | Simmons. |
| Donnell. | Simpson. |
| Downs. | Sinks. |
| Dunlap. | Smyth. |
| Dunn of Falls. | Stevens. |
| Durham. | Stevenson. |
| Enderby. | Storey. |
| Faulk. | Strong. |
| Finlay. | Taylor. |
| Foster. | Teer. |
| Hall. | Tomme. |
| Hoskins. | Wade. |
| Jasper. | Walker. |
| Johnson. | Wallace. |
| Jones. | Wester. |
| Kayton. | Williamson. |
| Kemble. | Wilson. |
| Kenyon. | Woodruff. |
| King. | Young. |
| Kittrell. | |

Absent.

| | |
|-----------|------------------|
| Avis. | McDonald. |
| Cummings. | Rowell. |
| Houston. | Smith of Nueces. |
| Maxwell. | Stell. |
| McBride. | |

Absent—Excused.

| | |
|-----------|-----------------|
| Bonham. | McKean. |
| Florence. | Shearer. |
| Jacks. | Stautzenberger. |

Mr. Chitwood offered the following substitute for the resolution:

Resolved, That the Speaker of the House be authorized to appoint a proof-reader for the Regular Session of the Thirty-ninth Legislature, who shall be a trained lawyer with legislative experience, and who shall be on duty in the Engrossing and Enrolling rooms, and who shall be paid ten dollars (\$10) per day.

Mr. Williamson moved the previous question on the substitute and the resolution, and the main question was ordered.

Question first recurring on the substitute, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yeas—86.

| | |
|-------------------|------------------|
| Alexander | Loftin. |
| of Limestone. | Low. |
| Amsler. | Masterson. |
| Atkinson. | McFarlane. |
| Bateman. | McGill. |
| Bedford. | Merritt. |
| Blount. | Montgomery. |
| Bobbitt. | Parish. |
| Boggs. | Pearce. |
| Brown. | Petsch. |
| Bryant. | Poage. |
| Cade. | Pool. |
| Chitwood. | Pope. |
| Conway. | Purl. |
| Covey. | Raymer. |
| Cummings. | Renfro. |
| Dale. | Rice. |
| Daniels. | Rogers. |
| DeBerry. | Rowell. |
| Dielmann. | Runge. |
| Dinkle. | Sanford. |
| Donnell. | Simmons. |
| Downs. | Simpson. |
| Dunlap. | Sinks. |
| Dunn of Falls. | Smith of Nueces. |
| Durham. | Smyth. |
| Enderby. | Sparks. |
| Faulk. | Stevens. |
| Finlay. | Stevenson. |
| Foster. | Storey. |
| Hagaman. | Stout. |
| Hall. | Strong. |
| Hoskins. | Taylor. |
| Jasper. | Teer. |
| Johnson. | Tomme. |
| Jones. | Wade. |
| Kayton. | Walker. |
| Kemble. | Wallace. |
| Kenyon. | Wester. |
| King. | Williamson. |
| Kinnear. | Wilson. |
| Kittrell. | Woodruff. |
| Laird. | Young. |
| Lane of Harrison. | |

Nays—52.

| | |
|------------------|------------------|
| Acker. | Bird. |
| Albritton. | Carter. |
| Alexander | Coffey. |
| of Bastrop. | Coody. |
| Baker of Orange. | Cox of Lamar. |
| Baker of Panola. | Davis of Dallas. |
| Barker. | Davis of Wood. |
| Barron. | Dunn of Hopkins. |
| Bartlett. | Farrar. |
| Bean. | Fields. |

| | |
|-------------------|------------------|
| Frnka. | Moore. |
| Graves. | Nicholson. |
| Gray. | Pavlica. |
| Harman. | Perdue. |
| Harper. | Powell. |
| High. | Rawlins. |
| Hollowell. | Robinson. |
| Hull. | Rowland. |
| Irwin. | Sheats. |
| Jordan. | Smith of Travis. |
| Justice. | Stell. |
| Lane of Hamilton. | Thompson. |
| Mankin. | Veatch. |
| Maxwell. | Webb. |
| McBride. | Wells. |
| McDonald. | Westbrook. |
| McNatt. | |

Absent.

| | |
|-----------------|------------|
| Avis. | Lipscomb. |
| Cox of Navarro. | McDougald. |
| Houston. | |

Absent—Excused.

| | |
|-----------|-----------------|
| Bonham. | McKean. |
| Florence. | Shearer. |
| Jacks. | Stautzenberger. |

Question then recurring on the resolution as amended, it was adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

Senate Concurrent Resolution No. 7, Relating to a joint session of the Legislature to determine and announce the election results as provided by Section 3, Article 4, of the Constitution of the State of Texas.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

MESSAGE FROM THE GOVERNOR.

Mr. John Johnson, Assistant Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Department,

Austin, Texas, January 16, 1925.

To the Members of the House of Representatives, Thirty-ninth Legislature.

Gentlemen: I hereby transmit to you, as provided by law, for your consideration, a certified copy of a joint resolution passed on June 6, 1924, by

the Senate and House of Representatives of the American Congress, proposing an amendment to the Constitution of the United States, which shall give Congress the power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

In keeping with the request of the Secretary of the State of the United States, this matter is submitted to you for such action as you may be pleased to take with respect thereto.

Respectfully submitted,
PAT M. NEFF,
Governor.

No. 2709.

United States of America.

Department of State.

To all to whom these presents shall come, Greeting:

I certify that the copy hereto attached is a true copy of a resolution of Congress, entitled "Joint Resolution Proposing an amendment to the Constitution of the United States," the original of which is on file in this department.

In testimony whereof I, Charles E. Hughes, Secretary of State, have hereunto caused the Seal of the Department of State to be affixed and my name subscribed by the Chief Clerk of the said department, at the City of Washington, this sixth day of June, 1924.

CHARLES E. HUGHES,
Secretary of State.

By EDWIN CEIRLSON,
Chief Clerk.

H. J. Res. 184.

Sixty-eighth Congress of the United
State of America;

At the First Session,
Begun and held at the City of Washington on Monday, the third day of
December, one thousand nine
hundred and twenty-three.

Joint Resolution

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"Article —.

"Section 1. The Congress shall have

power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

"Sec. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

F. H. GILLET, T,

Speaker of the House of Representatives.

ALBERT B. CUMMINS,
President pro tempore of the Senate.

I certify that this Joint Resolution originated in the House of Representatives.

WM. TYLER PAGE,
Clerk.

PROVIDING FOR INVESTIGATION OF THE STATE DEPARTMENTS.

Mr. Donnell, by unanimous consent, offered the following resolution:

H. C. R. No. 2, Providing for investigation of State departments.

Whereas, The Thirty-fifth Legislature at its Third Called Session appointed a joint committee to make a general investigation of State departments and institutions of the State government; and

Whereas, Said joint committee of the House and Senate made their report, including their audits and containing a vast amount of very valuable information; and

Whereas, No action has been taken by succeeding Legislatures to carry out the recommendations made by said joint committee; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a joint committee be appointed composed of four members of the House of Representatives and three members of the Senate who shall take up said report, study the same, make further investigation of existing facts and conditions since said joint committee's report, and shall report back to this Legislature their recommendations based on said report and their investigation of the conditions affecting the State departments and commissions since said committee's report to the Thirty-eighth Legislature; this last said report may and should receive consideration by this, the Thirty-ninth Legislature; be it further

Resolved, That this committee shall also make such recommendations based upon the study of the report to the Thirty-fifth Legislature and the present existing conditions of the State departments and commissions as may seem most valuable to them; be it further

Resolved, That said committee shall be authorized to study present conditions of the State departments and commissions with a view to making recommendations for consolidation of certain State departments, the bettering of working conditions therein and the reduction of expenses of maintenance and operation of all State departments and commissions.

The resolution was read second time, and was adopted.

EMPLOYEES OF THE HOUSE.

The Speaker announced the appointment of the following stenographers:

Miss Lazelle Basford, Miss Helen Tomlin, Miss Eleanor Kirk, Mrs. Norine Nachtrab, Mrs. Cora Bills, Miss Ann Watson, Miss Mamie Rhodes, Miss Marie Bonnell, Miss Edna Rugel, Mrs. Thelma Rew, Miss Ethel Walker.

The Speaker announced the appointment of the following committee clerks:

C. K. Walter, C. E. Shultz, Paul Smith, Miss Mabel Wilks, Mrs. Edith Wilmans, A. A. Callaghan, J. D. Suggs, M. B. Harris, Miss Oveda Culp, Everett DuPre, Frank Roach, Joe Jayne.

The Speaker announced the appointment of the following:

Assistants to Enrolling Clerk, Miss Bess Milam and Mrs. C. W. Boner.

Clerk to Appropriation Committee, I. D. Parmley.

PROVIDING FOR JOINT SESSION.

The Speaker laid before the House for consideration at this time the following resolution:

S. C. R. No. 7, Providing for Joint Session.

The resolution was read second time and was adopted.

BILLS RE-REFERRED.

On motion of Mr. Simpson, by unanimous consent, House bill No. 72 was withdrawn from the Committee on Criminal Jurisprudence and referred to the Judiciary Committee.

On motion of Mr. Robinson, by unanimous consent, House bill No. 34 was withdrawn from the Committee on Highways and Motor Traffic and referred to the Committee on Common Carriers.

STANDING COMMITTEES APPOINTED.

The Speaker announced the appointment of the following standing committees of the House:

State Eleemosynary and Reformatory Institutions.

Messrs. Wallace, Chairman; Daniels, Vice-Chairman; Dunn of Hopkins, Purl, Westbrook, Wester, Donnell, King, Bird, Brown, Conway, Jordan, Rogers, Lane of Hamilton, Barker, Cox of Navarro, Sanford, Williamson, Baker of Panola, Alexander of Limestone and Boggs.

Judiciary.

Messrs. Bobbitt, Chairman; Sinks, Vice-Chairman; Wilson, Hull, Barron, Kittrell, Storey, Rawlins, Petsch, Cummings, Stout, Sparks, Foster, Bonham, Wade, Masterson, Gray, Loftin, Mankin, Simpson and McGill.

Revenue and Taxation.

Messrs. Hall, Chairman; Strong, Vice-Chairman; Perdue, Fields, Harman, Sinks, DeBerry, Powell, Kenyon, Stevens, Stevenson, Teer, Barron, Dale, Bateman, Runge, Blount, Low, Young, Maxwell and Wallace.

Highways and Motor Traffic.

Messrs. Williamson, Chairman; Smyth, Vice-Chairman; Dunn of Falls, Sanford, Johnson, Hoskins, McNatt, McGill, Hagaman, Foster, Conway, Powell, Petsch, Bedford, Wallace, Dale, Pool, Teer, Lane of Harrison, Jacks and Baker of Orange.

Liquor Traffic.

Messrs. Kittrell, Chairman; Justice, Vice-Chairman; Donnell, McNatt, High, Rogers, Harper, Taylor, Barker, Enderby, Graves, Bateman, Merritt, Lane of Harrison, Pope, Rice, Simmons, Sheats, Bedford, Dunn of Hopkins and Davis of Wood.

Criminal Jurisprudence.

Messrs. Storey, Chairman; Mankin, Vice-Chairman; Bartlett, Parrish, Frnka, Runge, Dale, Sinks, Rowland, Gray, Kittrell, Walker, Farrar, Masterson, Wilson, Acker, Rowell, Bird, Sparks, Dielmann and Petsch.

Education.

Messrs. Chitwood, Chairman; Powell, Vice-Chairman; Young, Graves, Daniels, Brown, Laird, Stout, Sparks, McFarlane, Simpson, Rowell, Tomme, Dinkle, Dielmann, Smith of Nueces, Pope, Wester, Dunn of Falls, Enderby and Durham.

State Affairs.

Messrs. Teer, Chairman; Strong, Vice-

Chairman; Rawlins, Montgomery, Laird, Hall, Sparks, Atkinson, Shearer, Jacks, Sinks, Rowland, Wester, Donnell, Dinkle, Wells, Dunn of Falls, Barron, Dale, Runge and King.

Appropriations.

Messrs. Blount, Chairman; Sanford, Vice-Chairman; Hall, Chitwood, Wallace, Bobbitt, Dunn of Falls, Low, Wade, Hagaman, Stevens, Stevenson, Dale, King, Parish, Rowell, Simpson, Gray, Stout, Young and Rogers.

Insurance.

Messrs. Dunn of Falls, Chairman; Kemble, Vice-Chairman; Hall, Williamson, Strong, Florence, Pool, Chitwood, Sanford, DeBerry, Hull, Purl, McKean, Wallace, Johnson, Storey, Shearer, Teer, Bartlett, Woodruff and Jasper.

Penitentiaries.

Messrs. King, Chairman; Wade, Vice-Chairman; Barron, Sparks, Smyth, Pierce, Hoskins, Blount, Barker, Baker of Panola, Teer, Strong, Loftin, Chitwood, Irwin, Parrish, Stevenson, Young, Stevens, Coffey and Gray.

Agriculture.

Messrs. Bryant, Chairman; Albritton, Vice-Chairman; Amsler, Finlay, Graves, Harper, Stautzenberger, Boggs, Pearce, Merritt, Pavlica, Veatch, Coffey, Stell, Webb, Hollowell, Thompson, Westbrook, Enderby, Carter and Bateman.

ADJOURNMENT.

On motion of Mr. Loftin, the House, at 4 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

FIFTH DAY.

(Monday, January 19, 1925.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Satterwhite.

The roll was called and the following members were present:

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| Acker. | Barker. |
| Albritton. | Bateman. |
| Alexander | Bean. |
| of Bastrop. | Bedford. |
| Alexander | Bird. |
| of Limestone. | Blount. |
| Atkinson. | Boggs. |
| Baker of Orange. | Brown. |
| Baker of Panola. | Bryant. |

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| Cade. | McDonald. |
| Carter. | McDougald. |
| Chitwood. | McFarlane. |
| Coffey. | McGill. |
| Conway. | McKean. |
| Coody. | McNatt. |
| Covey. | Merritt. |
| Cox of Lamar. | Montgomery. |
| Cox of Navarro. | Moore. |
| Cummings. | Nicholson. |
| Dale. | Parish. |
| Daniels. | Pavlica. |
| Davis of Dallas. | Pearce. |
| Davis of Wood. | Perdue. |
| DeBerry. | Petsch. |
| Dinkle. | Pool. |
| Donnell. | Pope. |
| Downs. | Purl. |
| Dunn of Falls. | Rawlins. |
| Dunn of Hopkins. | Raymer. |
| Enderby. | Renfro. |
| Farrar. | Rice. |
| Faulk. | Robinson. |
| Fields. | Rogers. |
| Foster. | Rowell. |
| Frnka. | Rowland. |
| Graves. | Runge. |
| Gray. | Sanford. |
| Hagaman. | Shearer. |
| Harper. | Sheats. |
| High. | Simmons. |
| Hoskins. | Smith of Nueces. |
| Houston. | Smith of Travis. |
| Hull. | Smyth. |
| Irwin. | Sparks. |
| Jacks. | Stell. |
| Jasper. | Stevens. |
| Johnson. | Stevenson. |
| Jones. | Storey. |
| Justice. | Stout. |
| Kemble. | Strong. |
| Kenyon. | Taylor. |
| King. | Teer. |
| Kinnear. | Thompson. |
| Kittrell. | Tomme. |
| Laird. | Veatch. |
| Lane of Hamilton. | Wade. |
| Lane of Harrison. | Walker. |
| Lipscomb. | Wallace. |
| Loftin. | Webb. |
| Low. | Wells. |
| Mankin. | Westbrook. |
| Masterson. | Wester. |
| Maxwell. | Woodruff. |
| McBride. | Young. |

Absent.

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| Avis. | Hollowell. |
| Bonham. | Williamson. |
| Durham. | Wilson. |
| Finlay. | |

Absent—Excused.

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| Amsler. | Bobbitt. |
| Barron. | Dielmann. |
| Bartlett. | Dunlap. |